

REMARKS

The specification has been amended to correct typographical errors. Claim 30 has been amended to further clarify the invention.

Applicant has elected, with traverse, Figures 1-2 and 8, and Claims 6, 16-17, 19-27, and 29 that read on these elected figures, for prosecution on the merits if no generic claim is finally held to be allowable.

This election is with traverse. Reconsideration of the restriction with respect to Figures 9 and 10 is requested. Applicant respectfully submits that Examiner has improperly restricted the contents of Figures 9-10. The further request for an election of species to Figures 9 and 10 is improper, as will now be explained. A search of these features in these figures must be conducted together with a search of the other features of Figures 1 and 2.

Figure 10 is merely an overall system figure, showing the invention as one component in the system. Figure 9 is an electrical block diagram. They apply to all embodiments.

In Figure 10, item 2 is the box that contains the invention, the same reference number being used on Figure 2, and shown in each of the other Figures 1-8 also. It shows the invention as installed on a rotor blade 42 and the same shaft 16 shown in each of Figures 1-7. The rotor blade 42 is driven by motor 4 in Figure 9. The input to the box 2, provided on shaft 16, is shown in Figures 9, 10, as well as Figures 1-8. Applicant has gone to the effort of showing a complete system in an example figure, of which the rotor blade is a component, and receives, to their surprise, a restriction requirement.

This is similar to claiming a feature inside a computer system and then getting a restriction requirement if one figure shows a keyboard or a mouse coupled to the computer as an input.

Similarly, Figure 9 is a block diagram of all the components in the system of which the block 2 is one. Applicant is being penalized for providing a block diagram of the invention. The shaft 16 of Figure 9 corresponds also to the shaft 16 of Figures 1-8, and does the box 2. The switch 8 of figure 9 corresponds to the switches of Figures 1-7.

It is incorrect to treat an electrical block diagram of the invention as if it were a separate invention for which reason the new restriction is improper.

Each claim contains one or more features of Figures 9 and 10. Each claim calls for a rotor blade; this is the main feature shown in Figures 9 and 10 beyond what is in Figures 1 and 2. Showing this claimed feature in a different Figure should not be the grounds of a restriction. In fact, if Applicant had not included Figures 9 and 10, the Examiner might issue a request to add a figure since a claimed feature, the rotor blade, is not shown in the Figures 1 and 2 that were elected.

The features of Figures 9 and 10 are therefore generic to all the embodiments and should be examined with the other claims.

Claims 23-27 are generic claims, not species claims. They depend on the generic switching apparatus of claim 1 and add additional generic elements. Figure 10 depicts the generic switching apparatus along with additional elements. Figure 10, and claims 23-27, may properly utilize any embodiment of the claimed generic switching apparatus, and do not depend on a particular species of the switching apparatus.

Figures 1-7 depict four species embodiments of a generic switching apparatus. Figure 10 illustrates a switching apparatus 2 in a wind power installation. The switching apparatus 2 in Figure 10 represents the generic switching apparatus of claims 1-3, 5, 8-15, 18 and 28. Any embodiment of the claimed generic switching apparatus, including any of the four species embodiments depicted in figures 1-7, may properly be used as the switching apparatus 2 illustrated in Figures 9 and 10.

The fact that any embodiment of the claimed generic switching apparatus is interchangeable with the switching apparatus 2 is illustrated in Figures 9 and 10. For example, the actuating shaft 16 and the coupling sleeve 30, both illustrated in Figures 9 and 10, are the same actuating shaft 16 and coupling sleeve 30 illustrated in Figures 1-7.

Although the four switching apparatus illustrated in Figures 1-7 are slightly different species implementations, they each perform the switching function utilized by the wind power installation of Figure 10. All four embodiments connect to the actuating shaft 16 and all four may use a coupling sleeve 30 as depicted in Figure 10.

Additionally, Claims 23-27 are generic because they contain generic elements, such as a rotor blade 4, and holding device 44, to the claimed generic switching apparatus. Claims 23-27 do not rely on elements of claims directed at a specific embodiment of the switching apparatus, instead they show the overall system for the generic switching apparatus of claims 1-3, 5, 8-15, 18 and 28.

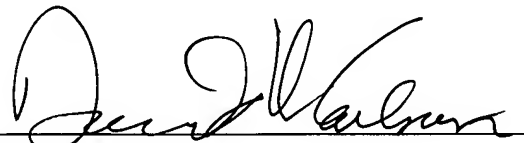
The Examiner notes that "upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim." Applicant notes that claims 4, 7, and 30, which the Examiner has subjected to restriction, each depend from a generic independent claim, and thus are entitled to consideration if their corresponding generic independent claims are allowed.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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